

The opinion in support of the decision being  
entered today is not binding precedent of the Board.

Filed by: Michael P. Tierney  
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Board of Patent Appeals and Interferences  
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32  
Paper No. ■

Filed  
July 30, 2003

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

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PECHINEY EMBALLAGE FLEXIBLE EUROPE  
Junior Party,  
(Patent 6,437,064),

v.

CRYOVAC, INC.,  
Senior Party,  
(Application 09/583,654 and 08/996,367).

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Patent Interference No. **105,092** (MPT)

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**NOTICE REDECLARING INTERFERENCE**

A telephone conference call was held on July 30, 2003 at approximately 11:00 a.m.

Participating in the conference call were:

1. Michael P. Tierney, Administrative Patent Judge
2. Michele Bosch and Mark Sweet, counsel for Cryovac.
3. Steven Szczepanski, Mary Jo Bolding and Michael Sofocleous, counsel  
for Pechiney.

**FAXED**

**JUL 30 2003**

**PAT. & T.M. OFFICE  
BOARD OF PATENT APPEALS  
AND INTERFERENCES**

This conference call was held to discuss two errors that arose in the original Notice Declaring Interference. The errors involved: (1) Pechiney's claim correspondence; and (2) Cryovac's accorded priority benefit. As discussed during the conference call, the correct claim correspondence is as follows:

The claims of the parties are:

Pechiney, U.S. Patent No. 6,437,064: 1-39  
Cryovac, U.S. Application No. 08/996,367: 1-8, 10-24, 26-43, 46-56 and 61-64  
Cryovac, U.S. Application No. 09/583,654: 1, 3-5 and 7-26

The claims of the parties that correspond to Count 1 are:

Pechiney, U.S. Patent No. 6,437,064: 1-3, 6-19 and 22-39  
Cryovac, U.S. Application No. 08/996,367: 1-8, 10-24, 26-43, 46-56 and 61-63  
Cryovac, U.S. Application No. 09/583,654: 1, 3-5, 7, 10-14 and 20-26

The claims of the parties that do not correspond to Count 1 are:


Pechiney, U.S. Patent No. 6,437,064: 4, 5, 20 and 21  
Cryovac, U.S. Application No. 08/996,367: 64  
Cryovac, U.S. Application No. 09/583,654: 8, 9 and 15-19

Additionally, while not mentioned in Paper No. 1, Cryovac is accorded priority benefit of its earlier filed U.S. Application No. 09/962,825, filed November 3, 1997, now abandoned.

Both parties have an extensive number of applications claiming benefit of their earliest filed applications. To aid the Board in understanding the relationship between the various applications and patents, the Board requests that Pechiney file and serve a chart depicting the various patent family trees for any applications and patents claiming 35 U.S.C. §120 benefit of Pechiney's U.S. Application Nos. 08/481,617, 08/082,226, as well as U.S. Patent No. 6,437,064. Similarly, Cryovac is to file and serve a chart for applications claiming §120 benefit of U.S.

Application Nos. 09/583,654, 09/962,825, 09/018,657, 08/996,367, 08/747,241, 08/418,926, 07/976,122, 07/983,017. The charts shall indicate the status of the application/patent (pending, abandoned, expired, unexpired) and the basis upon which 35 U.S.C. §120 benefit is claimed (continuation, continuation-in-part, divisional, etc). The Board also requests that a copy of any pending and issued claims be filed and served. This submission will aid in the determination of whether any additional applications and patents should be added to the interference. This submission is due by no later than **August 13, 2003**.

Pechiney has not yet had a full and fair opportunity to review Cryovac's accorded priority benefit application 07/983,017 as this file was recently reconstructed. To allow Pechiney time to review this file and the parties time to review the exchanged benefit charts and claims, the APJ set the conference call for setting times for **September 10, 2003 at 11:00 a.m.** As noted during the conference call, the parties' lists of intended motions will be due two days prior to the conference call setting times.

  
MICHAEL P. TIERNEY  
Administrative Patent Judge

cc (via Facsimile):

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